HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 22nd December, 2006
First Bail Application No. 1221 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Bharat Singh,
S/o late Shivraj Singh,
R/o Village - Kumdi
Police Station - Rudraprayag,
District- Rudraprayag. .... Accused-applicant in Jail.

Versus

State of Uttaranchal ..... Opposite Party

In Case Crime No.467 of 2006
U/s 498(A) and 304 (B) of I.P.C.
P.S. Rudraprayag,
District- Rudraprayag.

Hon'ble Rajesh Tandon, J.

The applicant-Bharat Singh has applied for bail in Case Crime No. 467 of 2006 U/s 498(A) and 304(B) of I.P.C., P.S. Rudraprayag, District- Rudraprayag.

Heard Sri R.P. Nautiyal, counsel for the applicant and A.G.A. for the State.

A perusal of the FIR shows that the deceased Smt. Bhawna was married with Vinod on 14th October, 2004 according to the Hindu Rights.

The incident occurred on 4th October, 2006 when Smt. Bhawna died. The FIR shows that Smt. Bhawna died on account of hanging. The post-mortem report also shows the cause of death as hanging.

Counsel for the accused-applicant has submitted that the accused-applicant is an aged person of 60 years of age and there is no one to look after her wife Smt. Makdi Devi-co-accused, who has already been released on bail 15.12.2006.

In the bail application of co-accused being Bail Application No. 1129 of 2006, a counter affidavit had been filed, where the statement of Sri Bhajan Singh-brother of the deceased under Section 161 of the Code of Criminal Procedure has been annexed, where the averments have been made that there was a demand of the Gas Cylinder, Stove and Rs. 10,000/- and later on a telephone call was received regarding suicide case of Smt. Bhawna. Similar statement was made by Smt. Surni Devi-mother of the deceased, where also the averments with regard to the Gas Cylinder has been repeated.

From the perusal of the entire statements as well as taking into consideration the age of the accused-applicant, prima facie it does not appear that the accused-applicant was involved in the commission of crime, which has led to the hanging of Smt. Bhawna.

However, at this stage I am not entering into the merits of the case. Let the applicant-Bharat Singh father in law of the deceased be released on bail on executing personal bond and furnishing two sureties, each of the like amount to the satisfaction of the Magistrate concerned.

(Rajesh Tandon, J.)

Dated 22.12.2006
-Rathour